IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Ambala Bus Syndicate Pvt. Ltd. Vs. State Transport Appellate Tribunal

C.W.P.No. 11356 of 2006

Date of decision: 3-5-2007

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Shri Baldev Kapoor, Advocate
for the petitioner.

Shri N.S.Virk, Additional Advocate General Punjab.

K.S.GAREWAL,J.

We propose to dispose of two connected writ petitions by this common judgment. The cases are: Ambala Bus Syndicate Pvt. Ltd. Vs. State Transport Appellate Tribunal (C.W.P.No 11356 of 2006) and Amritsar Motors Vs. State Transport Appellate Tribunal (C.W.P. No. 18772 of 2006).

The petitioners had responded to the notice published on February 8, 2004, inviting applications for grant of two permits for two return trips on the Pathankot-Mohali routes. On December 2, 2004 one permit with one return trip was granted to Punjab Roadways and one permit with one return trip was granted to Gurbachan Singh. The appeal filed by Ambala Bus Syndicate was considered alongwith the appeal by Mohindra Transport Company. The learned Tribunal on June 2, 2006 cancelled the permit granted to Gurbachan Singh and allotted it to Mohindra Transport Company, the appeal of Ambala Bus Syndicate was rejected.

Similarly the appeals filed by Amritsar Motors and Anand Travels were considered together. The learned Tribunal noted that if a State

Transport Undertaking (Punjab Roadways) does not collect the permit granted to it, the permit could not be granted to the appellants. Tribunal further held that there were no provisions which provided that the authority cannot all the allow the grantee time to collect the permit after six months. This was the period provided within which the grantee has to produce the registration certificate of the bus.

Both the petitioners were the unsuccessful appellants before the learned Tribunal but they now together claim that the permit which had been allotted to Punjab Roadways on December 2, 2004 has so far not been collected by the Roadways. This position is confirmed by the written statement filed by the Director State Transport in which it has been concluded as under:-

> "submitted that a regular stage carriage permit was granted in favour of the replying respondents vide order dated 2-12-2004, however, the same was not lifted by the replying respondent due to the shortage of buses. However, when the new buses were inducted in the fleet of Punjab Roadways it has moved the competent authority to lift the granted permit. But the same has not been granted to the replying respondent till date."

The above extract from the pleadings of the Director, State Transport shows that the Punjab Roadways, has till the date of filing the reply, failed to collect the permit granted to it. The reason given is shortage of buses. It was stated that when buses would be inducted, the Roadways would apply to the Regional Transport Authority to collect the permit.

Out of the two permits that had been advertised by the State Transport Commissioner only one has been utilized, which was granted to

Mohindra Transport. The other permit which consisted of one return trip was granted to Punjab Roadways but remains unallotted and vacant till today. Therefore, that permit can be granted to either one or both of petitioners.

Learned counsel for the petitioners submit that permit consists of one return trip daily and if it was spilt into half return trip daily then this permit can be given to each of the petitioner.

These petitions are allowed. It is directed that the State Transport Commissioner shall split up the permit that had been allotted to Punjab Roadways and which is still lying vacant, into two half trips daily and grant one permit with one half trip daily to Ambala Bus Syndicate and one permit with one half trip daily to Amritsar Motors. The petitioners shall however be required to comply with all other requirements of grant of permits which permit shall be subject to all just exceptions.

The petitions are disposed of in the above terms.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

May 3, 2007
RSK